

INITIATIVE 220

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 220 to the Legislature is a true and correct copy as it was received by this office.

1 AN ACT Relating to elected, appointed, and management officials;
2 amending RCW 9A.04.080 and 50.32.010; adding a new section to chapter
3 43.03 RCW; adding a new section to chapter 41.40 RCW; adding a new
4 section to chapter 41.04 RCW; adding a new section to chapter 42.04
5 RCW; creating new sections; and prescribing penalties.

6 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.03 RCW
8 to read as follows:

9 The salary of any elected, appointed, or management (government)
10 official in the state of Washington shall not exceed four times the
11 average annual income for the citizens of the state of Washington as
12 defined by the World Almanac.

13 **Sec. 2.** RCW 9A.04.080 and 1998 c 221 s 2 are each amended to read
14 as follows:

15 (1) Prosecutions for criminal offenses shall not be commenced after
16 the periods prescribed in this section.

17 (a) The following offenses may be prosecuted at any time after
18 their commission:

1 (i) Murder;
2 (ii) Homicide by abuse;
3 (iii) Arson if a death results;
4 (iv) Vehicular homicide;
5 (v) Vehicular assault if a death results;
6 (vi) Hit-and-run injury-accident if a death results (RCW
7 46.52.020(4));
8 (vii) Any job-related felony or misdemeanor committed by an
9 elected, appointed, or management (government) official;
10 (viii) Any violation of chapter 49.60 RCW committed by an elected,
11 appointed, or management (government) official against an employee.

12 (b) The following offenses shall not be prosecuted more than ten
13 years after their commission:

14 (i) Any felony committed by a public officer if the commission is
15 in connection with the duties of his or her office or constitutes a
16 breach of his or her public duty or a violation of the oath of office;

17 (ii) Arson if no death results; or

18 (iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is
19 reported to a law enforcement agency within one year of its commission;
20 except that if the victim is under fourteen years of age when the rape
21 is committed and the rape is reported to a law enforcement agency
22 within one year of its commission, the violation may be prosecuted up
23 to three years after the victim's eighteenth birthday or up to ten
24 years after the rape's commission, whichever is later. If a violation
25 of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape
26 may not be prosecuted: (A) More than three years after its commission
27 if the violation was committed against a victim fourteen years of age
28 or older; or (B) more than three years after the victim's eighteenth
29 birthday or more than seven years after the rape's commission,
30 whichever is later, if the violation was committed against a victim
31 under fourteen years of age.

32 (c) Violations of the following statutes shall not be prosecuted
33 more than three years after the victim's eighteenth birthday or more
34 than seven years after their commission, whichever is later: RCW
35 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,
36 9A.44.100(1)(b), or 9A.64.020.

37 (d) The following offenses shall not be prosecuted more than six
38 years after their commission: Violations of RCW 9A.82.060 or
39 9A.82.080.

(e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

(f) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(g) A violation of RCW 9A.56.030 must not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

(h) No other felony may be prosecuted more than three years after its commission; except that in a prosecution under RCW 9A.44.115, if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.

(i) No gross misdemeanor may be prosecuted more than two years after its commission.

(j) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

NEW SECTION. Sec. 3. A new section is added to chapter 41.40 RCW to read as follows:

An elected, appointed, or management (government) official shall have his or her pension and retirement rights under this chapter reduced or revoked for any job-related felony, job-related misdemeanor, or violation of chapter 49.60 RCW committed against an employee.

NEW SECTION. Sec. 4. A new section is added to chapter 41.04 RCW to read as follows:

1 Government managers shall be required to take a polygraph to
2 determine if they have ever falsified a document (including job
3 applications), time sheet, or per diem report, or given or ordered a
4 subordinate to give false reports to the legislature, a supervisor, or
5 the media. The work history and job application of any manager who
6 fails the polygraph shall be immediately investigated for crimes or
7 misrepresentations. Proof of these violations shall be grounds for
8 immediate dismissal upon conviction or verification.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.04 RCW
10 to read as follows:

11 The state shall recover wasted funds from elected, appointed, and
12 management officials. A panel of seven citizens chosen at random from
13 the juror pool shall oversee the process of recovering wasted funds.
14 Funding for this new agency shall come from the money saved from the
15 salary cap and elimination of administrative judge positions. The
16 director of this new agency shall be paid at a salary range sixty and
17 be elected every four years into this nonpartisan position. The panel
18 shall:

19 (1) Determine if there is waste and the amount for which each
20 official is liable; and

21 (2) Direct the state auditor to recover the wasted amount from the
22 official's pay, pension, personal property, or other assets.

23 **Sec. 6.** RCW 50.32.010 and 1981 c 67 s 30 are each amended to read
24 as follows:

25 The commissioner shall establish one or more impartial appeal
26 tribunals, each of which shall consist of (~~(an administrative law judge~~
27 ~~appointed under chapter 34.12 RCW))~~ a panel of three citizens chosen at
28 random from the jury pool who shall decide the issues submitted to the
29 tribunal. No administrative law judge may hear or decide any disputed
30 claim (~~((in any case in which he is an interested party))~~). Wherever the
31 term "appeal tribunal" or "the appeal tribunal" is used in this title
32 the same refers to an appeal tribunal established under the provisions
33 of this section. Notice of any appeal or petition for hearing taken to
34 an appeal tribunal in any proceeding under this title may be filed with
35 such agency as the commissioner may by regulation prescribe.

1 NEW SECTION. **Sec. 7.** The legislature shall establish and fund
2 grand jury capabilities.

3 NEW SECTION. **Sec. 8.** Section 2 of this act applies retroactively
4 to acts committed by elected, appointed, or management (government)
5 officials within the last fifty years.

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